

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:17CR3114
	)	
Plaintiff,	)	
	)	MEMORANDUM
v.	)	AND ORDER
	)	
JAMES M. PERKINS,	)	
	)	
Defendant.	)	
_____	)	

On April 4, 2018, following an evidentiary hearing, Magistrate Judge Cheryl R. Zwart made certain findings of fact and recommended that Defendant's motion to suppress (Filing No. [38](#)) be denied. See Filing No. [57](#). Defendant filed a statement of objections to the Magistrate Judge's findings and recommendation on April 23, 2018 (Filing No. [60](#)).

I have conducted a de novo review of the record pursuant to 28 U.S.C. § 636(b). I find that inasmuch as Judge Zwart has fully, carefully, and correctly found the facts and applied the law, the Magistrate Judge's findings and recommendation should be adopted and Defendant's statement of objections and motion to suppress should be denied.<sup>1</sup>

Accordingly,

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<sup>1</sup> I note the following undisputed time-line: At 11:08:40 pm Perkins was informed that a police canine was on its way, and that he was going to be detained until the police dog could sniff the car's exterior. Officer Cleveland informed Perkins, at 11:08:58 that if the canine did not alert to the odor of controlled substances, he would be free to leave at that point. Officer Cleveland asked Perkins where he was coming from at 11:09:08; Perkins replied that he parked near a house, and eventually stated that he did not go inside a home. Having seen Perkins leave the home, Officer Cleveland knew Perkins was not being honest. At 11:10:15 pm, Officer Cleveland asked Perkins if he uses any other drugs, and Perkins admitted that he uses methamphetamine. The canine unit arrived at 11:10:25, six minutes after Officer Cleveland's request.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation (Filing No. [57](#)) are adopted.
2. Defendant's statement of objections (Filing No. [60](#)) is denied.
3. Defendant's motion to suppress (Filing No. [38](#)) is denied.

DATED this 30<sup>th</sup> day of April, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge